



General Assembly

**Substitute Bill No. 5341**

February Session, 2004

\* \_\_\_\_\_ HB05341PD \_\_\_\_\_ 040704 \_\_\_\_\_ \*

**AN ACT CONCERNING THE VALIDATION OF MORTGAGE RELEASES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective July 1, 2004*) (a) Notwithstanding the  
2 provisions of chapter 846 of the general statutes, a release of mortgage  
3 executed by any person other than the record owner of the real  
4 property that is invalid because it is not issued or executed by, or fails  
5 to appear in the name of the record holder of the mortgage on one,  
6 two, three or four family residential real property located in the state  
7 of Connecticut including, but not limited to, a residential unit in any  
8 common interest community, as defined in section 47-202 of the  
9 general statutes, shall be as valid as if it had been issued or executed  
10 by, or appeared in the name of the record holder of such mortgage  
11 unless an action challenging the validity of the release is commenced  
12 and a notice of lis pendens is recorded in the land records of the town  
13 where the release is recorded within two years after the release is  
14 recorded, provided an affidavit is recorded in the land records where  
15 the mortgage was recorded which states the following:

16       (1) The affiant has been the record owner of the real property  
17 described in the mortgage for at least two years prior to the date of the  
18 affidavit;

19       (2) The recording information for the mortgage, any assignments

20 and release;

21 (3) Since the date of the recording of the release, the affiant has  
22 received no demand for payment of all or any portion of the debt  
23 secured by said mortgage and has received no notice or  
24 communication that would indicate that all or any portion of the  
25 mortgage debt remains due or owing;

26 (4) To the best of the affiant's knowledge and belief, the mortgage  
27 has been paid in full.

28 (b) The provisions of subsection (a) of this section shall not apply to  
29 any release obtained by forgery or fraud.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>

**BA**        *Joint Favorable Subst.-LCO*

**JUD**       *Joint Favorable*

**PD**        *Joint Favorable*